

REMARKS

Claims 1-23 are pending in this application. By this Amendment, claims 1, 2, 7, 8 and 20 are amended. The amendments introduce no new matter because they are (1) made to overcome informalities enumerated in the Office Action; or (2) are fully supported by at least Fig. 3 and the description of that figure at pages 10 and 11 of Applicant's disclosure, as originally filed. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed below; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for Appeal, should an Appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

The Office Action, in paragraph 6, rejects claims 1, 2, 7, 8 and 11-23 under 35 U.S.C. §103(e) as unpatentable over U.S. Patent No. 6,501,846 to Dickinson et al. (hereinafter "Dickinson") in view of U.S. Patent No. 4,185,270 to Fischer II et al. (hereinafter "Fischer"). The Office Action, in paragraph 7 rejects claims 3-6 under 35 U.S.C. §103(a) as being unpatentable over Dickinson in view of Fischer and further in view of U.S. Patent No. 6,603,462 to Matusis; and in paragraph 8 rejects claims 9 and 10 under 35 U.S.C. §103(a) as being unpatentable over Dickinson in view of Fischer and further in view of U.S. Patent No. 4,752,966 to Schiller. These rejections are respectfully traversed.

Dickinson teaches a system and method for using a relief object image generator for cursor control, computer access control, and operational parameter control (Abstract). The Office Action concedes that Dickinson does not expressly disclose a feature wherein the

control information output section outputs the control information of at least one of rotation directions around first and second axes which intersect each other on the detection surface. Rather, the Office Action relies on Fischer as allegedly disclosing such a feature.

Fischer teaches a process and apparatus for encoding the ridge endings and bifurcations of an inquiry fingerprint and for automatically searching through a file of similarly encoded fingerprints (Abstract). With reference to, for example, Figs. 11 and 7, the Office Action asserts that Fischer overcomes the shortfall of the application of Dickinson to the subject matter of the pending claims. Specifically, the Office Action asserts that Fischer discloses a control information output section that outputs control information of at least one of rotation directions around first and second axes which intersect each other. Review of Fischer indicates that Fischer does not teach such a feature. Rather, Fischer can only be reasonably relied upon to disclose a feature such as is recited as an additional feature in, for example, dependent claims 11 and 12, specifically, a third axis direction perpendicular to the detection surface and a rotation direction around this third axis (see, *e.g.*, Figs. 6 and 7 of Fischer).

Independent claims 1, 2 and 20 are amended to clarify the features recited therein, and specifically the relationship in space between first and second axes, as being parallel to the detection surface. Fischer, even in combination with the other applied prior art references, cannot reasonably be considered to teach, or to have suggested, such a feature.

Additionally, the Office Action asserts that at the time of the invention, it would have been obvious to detect rotation directions as taught by Fischer of objects of Dickinson to "allow fingerprints to be matched regardless of rotation to the imaging apparatus." This conclusion overly broadly states what any permissible combination of Dickinson and Fischer can reasonably be considered to teach, for the reasons indicated above. Based on the limited rotation axes that Fischer can reasonably be considered to suggest, the conclusion of the

Office Action that it would have been obvious to combine Fischer with Dickinson for the benefit of "rotation independent analysis" fails. Fischer is rotationally independent in only the axis perpendicular to the detection surface and therefore does not enhance the invention disclosed in Dickinson to provide a benefit of "rotation independent analysis" as stated in the Office Action.

Further, none of Matusis, in its disclosure of a system for selecting functions based on a finger feature, or Schiller, in its disclosure of an automatic fingerprint enrollment and identification technique, can reasonably be considered to overcome the above-identified shortfalls in the application of a combination of Dickinson and Fischer to the combinations of features positively recited in at least independent claims 1, 2 and 20.

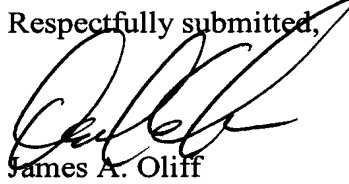
For at least these reasons, claims 1, 2 and 20 would not have been suggested by any permissible combination of the applied prior art references. Further, claims 3-19 and 21-23 also would not have been suggested by any permissible combination of the applied prior art references for at least the respective dependence of these claims directly or indirectly on allowable independent claims as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over any permissible combination of Dickinson and Fischer, alone or in combination with the other varying-applied prior art references, are respectfully requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-23 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



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